#4 Election
J. Miller
10/29/02

00862.022205 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshiyuki NAGAI et al.

Application No.: 09/839,139

Filed: April 23, 2001

For: LASER OSCILLATION APPARATUS, EXPOSURE APPARATUS, SEMICONDUCTOR DEVICE MANUFACTURING METHOD, SEMICONDUCTOR MANUFACTURING FACTORY, AND EXPOSURE APPARATUS MAINTENANCE METHOD

Examiner: M. Landau

Group Art Unit: 2815

October 25, 2002

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action dated September 30, 2002.

In the Office Action, the Examiner sets forth a restriction requirement among five groups of claims. Group I, claims 1-16, 23 and 24, is drawn to a laser oscillation apparatus and an exposure apparatus using a laser oscillation apparatus, and is classified in class 372, subclass 20; Group II, claim 17, is drawn to a semiconductor manufacturing method, and is

classified in class 438, subclass 1+; Group III, claims 18-20, is drawn to a semiconductor manufacturing method, and is classified in class 29, subclass 592.1; Group IV, claim 21, is drawn to a semiconductor manufacturing factory, and is classified in class 700, subclass 121; and Group V, claim 22, is drawn to a maintenance method, and is classified in class 700, subclass 96.

The Examiner contends that the inventions of Groups I-V are related as process and apparatus for its practice, and have acquired a separate status in the art as shown by their different classification such that the searches are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Applicants note that the inventions of Groups I -V are so closely related in the field of semiconductor manufacture, using an exposure apparatus that includes a wavelength changing device for changing an oscillation wavelength of a laser beam, that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple

applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

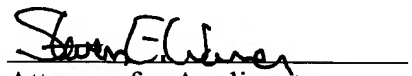
In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely claims 1-16, 23 and 24.

Favorable consideration and an early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,



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